

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

H. BRUCE BOAL and SCOTT LEE BOAL
A Partnership d/b/a BOALEECO,

Plaintiffs,

v.

FLEETBOSTON FINANCIAL CORPORATION
(f/k/a Fleet National Bank),

Defendant.

Civil Action No. 04-12634-NG

**STIPULATION TO DISMISS WITH PREJUDICE
PURSUANT TO FED. R. CIV. P. 41(a)(1)(ii)**

Pursuant to Fed. R. Civ. P. 41(a)(1)(ii), plaintiffs H. Bruce Boal and Scott Lee Boal, a Partnership d/b/a Boaleeco and defendant FleetBoston Financial Corporation f/k/a Fleet National Bank and now known as Bank of America, N.A. hereby stipulate to the dismissal of the above-captioned action with prejudice, with each of the parties bearing its own costs and all rights to appeal waived. All parties who have appeared in this action have consented to this Stipulation, as indicated by the signature of its undersigned counsel.

H. BRUCE BOAL and SCOTT LEE
BOAL, a Partnership d/b/a BOALEECO,
By its Attorneys,

FLEETBOSTON FINANCIAL CORPORATION
f/k/a FLEET NATIONAL BANK,
By its Attorneys,

/s/ Thomas J. Flannagan

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/s/ J. Patrick Kennedy

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Dated: December 7, 2005

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